



Attorney Docket No. 873

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

TANEJA et al.

Serial No. 10/067,546

Group Art Unit 1626

Filed: February 7, 2002

Examiner: R. Ramsuer

Title: **NOVEL SUBSTITUTED ARYL ALKENOIC ACID HETEROCYCLIC AMIDES**

TRANSMITTAL LETTER

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter;
- (2) Response to Restriction/Election Requirement.

If an Extension of Time under 37 CFR § 1.136 is required and has not been separately requested herein, please consider this Transmittal Letter as including a request for such Extension of Time and as a further authorization to charge any fee for such Extension of Time, as may be required by 37 CFR § 1.17, to Deposit Account No. 14-0112.

Please charge any fee deficiency, or credit any overpayment, in connection with this matter to Deposit Account No. 14-0112.

Respectfully submitted,

NATH & ASSOCIATES PLLC

Date: April 30, 2003

By:

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RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Office Action having a mailing date of April 11, 2003. The one month shortened statutory period to respond was set to expire May 11, 2002, making this a timely filed response to the outstanding Office Action.

In view of the following election and remarks, the Applicants respectfully request the Examiner to conduct a first substantive examination of the application.

REMARKS

Claims 1-19 are pending in the application and are presented for a first substantive examination on the merits.

In the outstanding Office Action claims 1-19 were subjected to restriction and election requirements. By this Response to Restriction/Election Requirement an election is made, without



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traverse.

RESTRICTION REQUIREMENT SUMMARY

Claims 1, 2 and 7-19 were subjected to a Restriction Requirement as follows:

Group I: Claims 1 and 2, products, variously classified.

Group II: Claims 7-19, various processes, variously classified.

Claims 3-6 were not grouped since the Examiner declared them to be non-statutory.

RESPONSE

Applicants elect Group I, claims 1 and 2.

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ELECTION REQUIREMENT SUMMARY

The Examiner also required an Election as follows:

Claims 1 and 7 are generic to a plurality of disclosed patentably distinct species comprising for example, the compounds (1) I, (2) III, (3) IV, (4) V, (5) VIII, etc., the process of preparing compounds as in (6) example 1, (7) example 2, etc. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

RESPONSE

Applicants elect the species corresponding to Compound No. ii as claimed in claim 2.

It is noted that the species listed by the Examiner as being patentably distinct was ambiguous because not all species were

listed. In a telephone call to the Examiner, the Examiner stated that the list he provided in the Office Action was only a non-exhaustive list of examples of species, that he would not provide a complete list of species because that list would be too long, and that other species not listed in his list of examples could be elected in response to the Election Requirement. In view of this statement, Applicants believe that the election of species "ii" is proper even though it was not listed by the Examiner.

CONCLUSION

In light of the foregoing, Applicants respectfully request the Examiner to conduct a first substantive examination of the application.

Respectfully submitted,
NATH & ASSOCIATES PLLC

Date: April 30, 2003

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